

Applicants: Gloria C. Li et al.  
Serial No.: 10/712,642  
Filed: November 12, 2003  
Page 5

**REMARKS**

Claims 27-33 and 35-40 are pending in the subject application. By this Amendment, applicants have hereinabove cancelled claims 27, 39 and 40 without disclaimer or prejudice to applicants' right to pursue the subject matter of these claims in the future.

**Rejections Under 35 U.S.C. §103(a)**

The Examiner rejected claims 27, 39 and 40 as allegedly obvious over Reeves et al. (J. Biol. Chem., Vol. 26499):5047-5052, 1989) and Milner et al. (Nature Biotech. 15:537-541, 1997), the combination in view of Takiguchi et al. (Genomics, 35:129-135, 1996) and AuYoung et al. (U.S. Patent No. 5,773,580) insofar as the claims are drawn to compositions and methods for increasing a target cell's sensitivity to DNA damaging agents in vitro comprising the administration of an antisense oligonucleotide in an adenoviral expression vector comprising a heat shock promoter, which antisense specifically hybridizes with a nucleic acid encoding a DNA-dependent protein kinase subunit (Ku70) which antisense inhibits the expression of the target ku70 subunit.

In response, applicants respectfully traverse the Examiner's rejection. However, in order to expedite prosecution and without conceding the correctness of the Examiner's position, applicants

Applicants: Gloria C. Li et al.  
Serial No.: 10/712,642  
Filed: November 12, 2003  
Page 6

have hereinabove cancelled claims 27, 39 and 40 without disclaimer or prejudice to applicants' right to pursue the subject matter of these claims in the future. Accordingly, applicants respectfully request reconsideration and withdrawal of this ground of rejection.

**Provisional Obviousness-Type Double Patenting Rejection**

In the February 7, 2008 Office Action, the Examiner provisionally rejected claims 27, 39 and 40 under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1, 15, 16 and 18-22 of copending U.S. Application No. 09/750,410.

In response, applicants note that claims 27, 39 and 40 have been cancelled without disclaimer or prejudice. Accordingly, applicants request that the Examiner withdraw this provisional rejection.

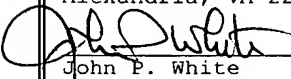
Applicants: Gloria C. Li et al.  
Serial No.: 10/712,642  
Filed: November 12, 2003  
Page 7

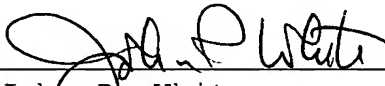
If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:  
Mail Stop AF  
Commissioner for Patents,  
P.O. Box 1450  
Alexandria, VA 22313-1450.

 5/4/09  
John P. White Date  
Reg. No. 28,678

  
John P. White  
Registration No. 28,678  
Attorney for Applicants  
Cooper & Dunham LLP  
Customer No. 057539  
30 Rockefeller Plaza, 20<sup>th</sup> Fl.  
New York, New York 10112  
(212) 278-0400